

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. **2013-71-WS**

IN RE: Ken Bozeman – B2 Holdings, LLC	)	
Complainant/ Petitioner	)	
vs.	)	RESPONSE TO
		DEFENDANT’S MOTION
		TO DISMISS
Carolina Water Service, Inc.	)	
Defendant./Respondent_____	)	

Ken Bozeman, through his undersigned attorney, responds to the defendant Carolina Water Service’s Motion to dismiss as follows:

Mr. Bozeman is the owner of B2 Holdings -- a small business that rents property to such businesses as a dance studio, a restaurant, and a beauty salon which may or may not be operating at full capacity at any given time. His wastewater collection bills for these properties have run as high as 73 percent of the total combined water and wastewater utility bill from Carolina Water Service (also known as “Utilities, Inc.”).

Mr. Bozeman is asking one of two things: Either that small businesses be afforded a special provision when they are operating well below capacity, or that Utilities, Inc. abandon the practice of using DHEC standards for wastewater facility construction (R-61-67, Appendix A) as a standard for charging small businesses for wastewater collection. The rate structure as it stands is unfair to small business.

We argue that Mr. Bozeman should be allowed to testify at a hearing and explain to the Public Service Commission the unfairness of the current rate

structure with regard to wastewater collection. As noted in *Utilities Services of South Carolina, Inc. v. South Carolina Office of Regulatory Staff*, 708 S.E 2d 755 (2011), “[T]he PSC is the ultimate fact-finder in a ratemaking application.” Mr. Bozeman’s complaints regarding the unfairness of using the DHEC chart as a means of determining wastewater rates for small businesses should be heard. Mr. Bozeman’s concerns are relevant to every CWS rate case. He should have the opportunity to be heard.

We have asked the Public Service Commission and the Office of Regulatory Staff several times for a meeting on this matter. A meeting has never been scheduled.

Since this complaint involves the recalculation of a rate structure, the complaint could be continued and/or refilled as a motion to intervene in Carolina Water Service’s next rate case.

/s/Laura P. Valtorta, esquire  
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